1. Basic Information

1.1 CRIS Number: 2003/004-347-03-01

1.2 Title: Further Reinforcement of Hungarian Judicial Capacity

1.3 Sector: Justice and Home Affairs

1.4 Location: Hungary – Budapest and locations of courts of law throughout the country

2. Objectives

2.1. Overall Objective:
Increasing the capacity of the Hungarian judiciary to fully apply EU law.

2.2 Project Purpose:
Extension of training programme to Hungarian judges in the fields of issues articulated in the Convention for the Protection of Human Rights, judicial ethics, competition matters, enforcement of intellectual property rights and appeal proceedings for asylum seekers.

2.3 Accession Partnership and NPAA Priority:

AP 3.2 Medium Term priority: “continue improving the functioning of the judicial system by training of judges in Community law”

NPAA B.2.: “The full training of all Hungarian judges in community law must be achieved till our accession.”

Action Plan: Chapter 1. Political criteria, Democracy and the rule of law:
“Training of judges in EC law: Training, increase or reallocation of staff and establishment of structures needed in the various areas. (CONF-H 8/01) (still to be done)”

Peer review (22 July 2002): 2.1 Conclusions: “Training in EC law should continue.”

2.4. Contribution to National Development Plan
Not applicable.

2.5. Cross Border Impact
Not applicable.

3. Description

3.1 Background and Justification
Following accession, Community law will be fully applied by Hungarian judges. Judges, trainee judges and court secretaries need regular training and institutionalised refresher courses as well as specialised training in Community and national law. Training curricula must be extended to include Community law. According to the already existing long-term
training strategy of the National Council of Justice, following the accession of Hungary to the European Union the national and Community law training will be inter-linked. The national training programmes will always contain the related specific aspects of Community law.

Judges have to be fully familiar with the relevant Community legislation and respective international instruments as well as the overall practice of their implementation and enforcement. It is particularly important that Hungarian judges showed to be acquainted with the functioning of the Court of Justice of the European Communities, especially the interaction between national courts and the Court of Justice through the preliminary ruling procedure. Expert knowledge, especially practical experience needed for training in this field, is yet lacking in Hungary.

Since 1999 several national, Phare and bilateral programmes have provided training for Hungarian judges, trainee judges and court secretaries. The majority of these programmes have focused on training in basic Community law. By completing the programmes supported by the present project participants will have a sound knowledge of the application of Community law at national level.

A competent judiciary is the guarantee that in the course of the application of Community law fundamental human rights will never be infringed. Although the Charter of Fundamental Rights adopted in Nice in December 2000 has not yet been incorporated into either primary or secondary Community law, the mere fact of its acceptance highlights its outstanding importance. In Hungary, within the framework of national judicial training, judges have been regularly provided training concerning the norms established by the Convention for the Protection of Human Rights and Fundamental Freedoms. The proposed programme will continue the above mentioned training for judges at a more advanced level extended with the topics of judicial ethics, competition matters, enforcement of intellectual property rights and appeal proceedings for asylum seekers.

Training on judicial co-operation is also sorely needed in order to assure its effective implementation between Hungary and member states of the European Union. Such training has its antecedents in Hungary and the proposed programme intends to build on these.

3.2 Linked Activities

Training of judges in EC Law started in 1999 in the framework of the HU9602-03-03 Phare programme. The project provided basic training in Community law for a total of 734 judges. The final report accepted and approved by the National Council of Justice marked the direction of future training efforts.

Lessons learnt were applied in training of another 669 judges in the academic year of 2000/2001. Finance for this second programme was provided from funds of the National Council of Justice.

Hungarian sources and bilateral agreements provided funds for the training of 141 judges between September and December 2001.

At present the PHARE financed HU/IB/2001/JH/02 twinning project provides the framework for training another group of Hungarian judges. The programme will last for 23 months and by the time it finishes all judges will have been given training in basic Community law. National training schemes as well as the second Phare training project also provide training for court secretaries and trainee judges.
The PAA of this project will assist in the elaboration of the quality control system of future judicial training.

3.3 Results

The project will have the following results:

- Curricula for specialised training modules for judges are developed;
- Quality control of the training programme is prepared.
- 300 judges and 400 court secretaries and trainee judges are trained in issues articulated in the Convention for the Protection of Human Rights, judicial ethics, competition matters, enforcement of intellectual property rights and appeal proceedings for asylum seekers.

3.4 Activities

Service Contract

A suitable contractor will be identified to organise and deliver training to judges, Court Secretaries and trainee judges. The contractor, based on the syllabus to be provided by the ONCJ will:

(i) Prepare training curricula:

Training curricula for specialised training modules for judges, trainee judges and court secretaries will be developed.

Measures will be designed for the continuous assessment, evaluation and quality control of the implementation of the training component.

(ii) Deliver the training courses:

Participating judges, court secretaries and trainee judges become fully acquainted with the issues articulated in the Convention for the Protection of Human Rights and Fundamental Freedoms (especially Art. 6. fair trial), competition matters, enforcement of intellectual property rights and appeal proceedings for asylum seekers. Specifically:

The various groups of judges, court secretaries and trainee judges shall receive training tailored to their specific needs. The central element of the training shall be the Convention for the Protection of Human Rights and Fundamental Freedoms, judicial ethics, enforcement of intellectual property rights, anti-trust legislation, state aids, competition matters, appeal proceedings for asylum seekers, third pillar law and judicial co-operation.

The training programme will target 300 judges and 400 trainee judges and court secretaries.

3.5 Lessons learnt

In the course of past training programmes the Office of the National Council of Justice has gained considerable experience both in designing and implementing what shall be utilised in the present project.

Findings and recommendations of monitoring activities of either PHARE or a higher level of the Commission (e.g. Peer review) are highly reflected in the project:

- the actual topics of the training have been selected and firmly incorporated into the fiche having taken into account the recommendation contained in the peer view mission report;
- as monitoring report has concluded, the timely availability of the translation and interpretation services is of paramount importance in case of such a training programme.

4. Institutional Framework

Pursuant to their statutes, the National Council of Justice (NCJ) is responsible for the training of the judiciary including training in Community Law. Accordingly NCJ adopts its annual plan of training. The number of staff at various levels of courts includes approx. 2600 judges, 278 court secretaries (junior judges are (soon) eligible for being appointed as judges) and 475 trainee judges as of August 2002.

ONCJ has developed its strategy for the establishment of sustainable programmes for training.

Under the supervision of the National Council of Justice, the Office of the National Council of Justice shall be responsible for the training of judges. The immediate responsibility of the implementation will fall on the Department of Human Resources and Training of the Office. In order to assure the proper co-ordination and organisation of project activities, a senior officer of the Office with organisational skills and experience will be designated as co-ordinator of the programme.

5. Budget

<table>
<thead>
<tr>
<th>Componenent</th>
<th>Phare Support</th>
<th>National Public Co-financing</th>
<th>IFI</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Investmen t Support</td>
<td>Institutio n Building</td>
<td>Total Phare (=I+IB)</td>
<td></td>
</tr>
<tr>
<td>T.A.</td>
<td>-</td>
<td>0,500</td>
<td>0,500</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>-</td>
<td>0,500</td>
<td>0,500</td>
<td>-</td>
</tr>
</tbody>
</table>

6. Implementation Arrangements

Implementing Agency for the programme will be the Central Finance and Contracts Unit (CFCU). Ms. Judit Rózsa, Director of CFCU will be PAO.

The project will require smooth co-ordination between CFCU and ONCJ. In this respect ONCJ will nominate a co-ordinator.

The Steering Committee set-up for the on-going training project will continue its work in the framework of the present project.

6.1 Implementing Agency

PAO: Ms. Judit Rózsa, Director of CFCU

Address: Deák Ferenc u. 5. Telephone: (+361) 327-3652
6.2 Twinning
Not applicable.

6.3 Non-standard Aspects
The Practical Guide on Phare, ISPA and SAPARD contract procedures will be strictly followed.

6.4 Contracts
For the implementation of the training programme one international open service tender will be concluded covering a total budget of 0,500 M€.

7. Implementation Schedule

<table>
<thead>
<tr>
<th>Contract</th>
<th>Start of Tendering</th>
<th>Start of Project Activity</th>
<th>Completion</th>
</tr>
</thead>
</table>

8. Equal opportunity
Judges will be provided with training regardless of gender or other characteristics.

9. Environment
Not applicable.

10. Rates of return
Not applicable.

11. Investment criteria

11.1 Catalytic effect:
The Phare contribution will accelerate the preparation of Hungarian judiciary for the effective application of EU legislation.

11.2 Co-financing:
Local costs related to providing facilities for the training, technical means and equipment for the seminars attended by judges, court secretaries and trainee judges will be borne by the
Hungarian side. In addition to this all costs regarding the travel expenses of the trainees, accommodation and catering will be covered by the beneficiary.

11.3 Additionality:
The Phare contribution shall not displace other financiers, especially from private sectors or IFIs.

11.4 Project readiness and size:
For the TA contract the tender dossier will be ready by October 2003.

11.5 Sustainability:
The National Council of Justice consistently will continue in the future the training of judges, court secretaries and trainee judges in community law in the framework of the general national judicial training programme.
The curricula which to be developed by the proposed project will also be used during future training programmes.

11.6 Compliance with state aids provisions
All investments will respect the state aid provisions of the European Agreement.

11.7 Contribution to NDP and/or Structural Funds Development Plan/SPD
Not applicable.

12. Conditionality and sequencing
12.1 Conditionality
The on-going training project (HU 0103-02) will end as scheduled with the expected results.

12.2 Sequencing
The training component will follow the ongoing training (HU/IB/2001/JH/02) financed in the framework of the 2001 Phare programme.
The ongoing training programme will end in 2003. Its continuation in the framework of a new TA contract may only be scheduled when the present one has ended.
ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format
2. Detailed implementation chart
3. Contracting and disbursement schedule
4.1 Reference to studies
4.2 Reference to Related Projects
4.3 Summary of the long term training strategy of the National Council of Justice in Community law
5. List of relevant Laws and Regulations
### Programme name and number:
2003/004-347-03-01 Further Reinforcement of Hungarian Judicial Capacity

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Budget: 0,500 MEUR</td>
<td>Phare contribution: 0,500 MEUR</td>
</tr>
</tbody>
</table>

**LOGFRAME PLANNING MATRIX**

#### Overall Objective
Increasing the capacity of the Hungarian judiciary to fully apply EU law.

<table>
<thead>
<tr>
<th>Objectively verifiable indicators</th>
<th>Sources of verification</th>
<th>Assumptions</th>
</tr>
</thead>
</table>
| 100% consistency and stability of court rulings in matters of Community law and carrying out judicial co-operation | Reports of  
• National Council of Justice  
• European Commission |  

#### Project Purpose
- To extend the training programme to Hungarian judges in the fields of issues articulated in the Convention for the Protection of Human Rights, judicial ethics, competition matters, enforcement of intellectual property rights and appeal proceedings for asylum seekers.

<table>
<thead>
<tr>
<th>Objectively verifiable indicators</th>
<th>Sources of verification</th>
<th>Assumptions</th>
</tr>
</thead>
</table>
| Hungarian courts rule in matters concerning Community legislation with 100% competence and within the same timeframe as the most efficient courts in Member States. | Reports of  
• National Council of Justice,  
• European Commission |  
Continued commitment to achieve and implement the Acquis in the area of justice and home affairs.  
Easy access to documentation and information on the relevant Community and Third Pillar legislation for the judiciary. |

#### Results
- Curricula for specialised training modules for judges are developed;
- The quality control of the training programme is prepared.
- Judges, court secretaries, trainee judges are trained.

<table>
<thead>
<tr>
<th>Objectively verifiable indicators</th>
<th>Sources of verification</th>
<th>Assumptions</th>
</tr>
</thead>
</table>
| The training curricula and quality control mechanism are approved by the ONCJ.  
300 judges and 400 court secretaries and trainee judges are trained. | Course evaluation reports.  
Training concept paper. |  
Adequate harmonisation of the implementation of this training project with the schedule of the overall programme of the judicial training  
Trained judges will be retained in the judiciary and law enforcement systems. |

#### Activities
- Training of judges, court secretaries and trainee judges.

<table>
<thead>
<tr>
<th>Means</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 service contract</td>
<td></td>
</tr>
</tbody>
</table>
Individual working schedule of the judges is harmonised with the overall training programme.  
Outputs of former training projects are applied. |

#### Preconditions
- Former PHARE projects, especially twinning HU/IB/2001/JH/02, are concluded successfully.
### Detailed Implementation Chart

#### Component 2003 2004

<table>
<thead>
<tr>
<th>Component</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>T.A.</td>
<td>T T T</td>
<td>I I I</td>
</tr>
</tbody>
</table>

- **D**: Design (15%)
- **T**: Tendering and contracting (30%)
- **I**: Implementation (50%)
ANNEX 3

Further Reinforcement of Hungarian Judicial Capacity

**CONTRACTING AND DISBURSEMENT SCHEDULE***

<table>
<thead>
<tr>
<th>Component</th>
<th>2003</th>
<th></th>
<th>2004</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>III</td>
<td>IV</td>
<td>I</td>
<td>II</td>
</tr>
<tr>
<td>Contracting</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TA</td>
<td>0,500</td>
<td>0,500</td>
<td>0,500</td>
<td>0</td>
</tr>
<tr>
<td>Sub-total</td>
<td>0,500</td>
<td>0,500</td>
<td>0,500</td>
<td>0</td>
</tr>
<tr>
<td>Disbursement</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TA</td>
<td>0,200</td>
<td>0,400</td>
<td>0,500</td>
<td>0</td>
</tr>
<tr>
<td>Sub-total</td>
<td>0,200</td>
<td>0,400</td>
<td>0,500</td>
<td>0</td>
</tr>
</tbody>
</table>

* Only Phare contribution
ANNEX 4.1
Further Reinforcement of Hungarian Judicial Capacity

REFERENCE TO STUDIES

I. TRAINING OF JUDGES

The programme for training judges is based on the following sets of documents:

- Internal documents, reports and proposals of the Office of the National Council of Justice,
- Study prepared in the framework of the HU9602 Phare programme (HU9602-02-02-0001),
- Reports of the HU9602-03-03-0002 Training of Judges contract,
REFERENCE TO RELATED PROJECTS

The project is closely related to three Phare projects:

1. HU9602-03-03-0001 Training of Judges, Assistance to the setting up of appropriate implementation structures
   Need assessment and preparation of ToR for the training of judges in Community law.

2. HU9602-03-03-0002 Training of Judges (budget 0.67 MEUR)
   The training of judges project HU9602-03-03 finished in July 2000. Against the number of 650, altogether 734 senior judges received basic training on Community law. The project includes a distance learning and self-training element
   Final report

3. HU9602-01-05 Court Information System (budget 1.06 MEUR) - Justicia.net phase I
   The project provides hardware facilities for effective use of the system in distance learning.
   Phase I is closed.

4. HU0007-02 Court Information System (budget 3.50 MEUR) - Justicia.net phase II
   The project is in the tender preparation phase.

5. HU/IB/2001/JH/02 Training of Judges and Prosecutors (Budget 2.99 MEUR).
   The project is in the implementation phase
SUMMARY OF THE LONG TERM TRAINING STRATEGY OF THE NATIONAL COUNCIL OF JUSTICE IN COMMUNITY LAW

1. Background

The National Council of Justice (NCJ) is a constitutionally independent organ responsible for all matters of the administration of the Hungarian courts including the basic and continuous training of judges. The corresponding legislation adopted by the Parliament establishes, on one hand, the right of the judges for being provided the training necessary to perform their duty; on the other hand, it stipulates the judges’ obligation to take part in the training needed for their judicial work. The law also stresses the obligation of the National Council of Justice to provide the necessary training to judges free of charge.

In its resolution of 56/1999 (VI.2) the National Council of Justice established Council of Judicial Training composed by judges and invited academics for the purpose of being advised by it in strategic and particular matters of the training of judges. The Council of Judicial Training is subdivided into different sections according to the specialities of judicial activity. The section of the community law advises the National Council of Justice and makes recommendations on the strategic questions of the training of the Hungarian judges in Community law as well as questions related to the national plan on the training in Community law adopted by the Council annually and its actual implementation.

Under the supervision of the National Council of Justice, the Office of the National Council of Justice, Department of Human Resources and Training is responsible for the technical implementation of training programmes including the development of training curricula.

The training strategy for judges comprises two main components, which are sub-divided into further elements:

a) training of judges
   • in Hungarian law, and
   • in EU law;

b) develop the institutional background for long term training programmes

2. Training

The overall aim of the training of judges is to make possible and sure that the judiciary perform its task vested upon it by the Constitution on a high professional level and meet requirements presented by new legal, economic and social challenges as well as the European integration, including the need of participating in an increasingly enhanced European judicial co-operation.

On the basis of the long term training strategy composed by the Office of the National Council of
Justice and adopted by the Council itself, it approves the annual plan of the training of judges which includes all the training programs and activities on legal questions related to the application of the national law as well as to the Community law.

Training of young lawyers in order to prepare them to become judge is done in the framework of practical training at courts that includes the theoretical element as well. As their practical and theoretical knowledge achieves the established a minimum level they are promoted to the position of court secretary before appointed to the position of judge.

Training programmes, therefore, cover the training of trainee judges, courts secretaries as well, and based on the experience gained in previous programmes, training modules according to their specific needs shall be developed.

The training of trainer programme started in the framework of the Phare project shall continue in order to improve and continuously up-date the knowledge of the pool of judges to create the required capacity as trainers in the long-term.

The ONCJ is also responsible for the provision of training material. For this purpose translation and elaboration of selected judicial literature are made and regularly up-dated.

Since its establishment, the ONCJ implemented training programmes for three academic years: 1998/99, 1999/2000, and 2000/2001. During the academic year 1999/2000 the training in EU law started with the strong support of the Phare programme (HU9602-03-03).

On the basis of the success achieved by the Phare financed training programme in EU law the NCJ Resolution 64/2000 (VII.5) states that the preparation of judges in EU law should follow the Phare established training methodology. According to the resolution the training of 700 judges are planned for the academic year of 2000/2001.

3. Establishment of a training centre

Bearing in mind the growing importance of the training of the judiciary in conditions of the rapidly changing social, economic and consequently legal environment, the National Council of Justice made a decision on setting up the National Judicial School aiming at institutionalising capacities and resources for a better and most appropriate performance in the field of judicial training. The future autonomous School will be not only the permanent centre of organising the judicial training but because of its structure it will have a stronger academic background to be also a strategic intellectual centre in the field of the judicial training.

The process of establishing the School has been already initiated and counts on some co-operation and assistance of the French School of Magistrates (Ecole Nationale de la Magistrature). Certain organisational and academic experiences have been exchanged.

4. Other co-operation

The wide-ranging bilateral co-operation with different member-states of the European Union also contains an ever-growing element of exchanging experiences on subject of the training of judges in Community law, as well as common bilateral and multilateral actions executing actual training activities.
5. Time schedule

The Hungarian judiciary must be ready for the application of EU law by the time of accession. Accordingly, the relevant government and NCJ resolutions specify that all judges must receive minimum basic training by that time.

NCJ resolution 27/2000 (III.1) initiates the establishment of a training centre for judges and instructs the ONCJ to develop a programme on its realisation.

6. List of legislation

- NCJ Resolution 56/1999 (VI.2) about the Establishment and Members of the Council of Judicial Training
- NCJ Resolution 27/2000 (III.1) about the Preparation of the Establishment of a Training Institute for Judges
- NCJ Resolution 64/2000 (VII.5) about the Programme for the Training of Judges in Academic Year 2000/2001
LIST OF RELEVANT HUNGARIAN LAWS AND REGULATIONS

The Constitution of the Republic of Hungary
Act No. XXXVIII of 1996 on International Legal Assistance in Criminal Matters
Act No. LXVI of 1997 on the Organisation and Administration of Courts (available in English)
Act No. LXVII of 1997 on the Legal Status and Remuneration of Judges
Act No. LXVIII of 1997 on the Service Relations of Public Servants Employed in the Field of Justice
Act No. CX of 1999 on establishing the seat and territorial competence of the National Court of Appeal as well as modifying some of the laws concerning the functioning of the justice system.
Government Resolution No 2319/2000 (XII. 21.) about tasks related to some questions on the Hungarian legal system affected by the accession to the EU.
NCJ Resolution 56/1999 (VI.2) about the Establishment and Members of the Council of Judicial Training
NCJ Resolution 27/2000 (III.1) about the Preparation of the Establishment of Training Institute for Judges
NCJ Resolution 64/2000 (VII.5) about the Programme for the Training of Judges in Academic Year 2000/2001
Act No. XLII of 1998 on the promulgation of the Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, restructuring the control machinery established thereby